



27 AUG 2009

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

In re Application of TAORI et al :
U.S. Application No.: 10/550,108 :
PCT Application No.: PCT/EP2004/002985 :
Int. Filing Date: 19 March 2004 : DECISION
Priority Date Claimed: 19 March 2003 :
Attorney Docket No.: P16378-US2 :
For: A SYSTEM AND METHOD FOR STORING :
AND ACCESSING MULTIMEDIA MESSAGES :

This is in response to applicant's petition under 37 CFR 1.181 filed 27 May 2009.

BACKGROUND

On 19 March 2004, applicant filed international application PCT/EP2004/002985, which claimed priority of an earlier United States application filed 19 March 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 30 September 2004. The thirty-month period for paying the basic national fee in the United States expired on 19 September 2005.

On 19 September 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 02 October 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that, *inter alia*, additional claims fees in the amount of \$1,500.00 were due.

On 13 April 2007, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that additional claims fees in the amount of \$1,500.00 were due.

On 20 May 2009, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Defective Response.

On 27 May 2009, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The transmittal letter (Form PTO-1390) filed on 19 September 2005 contained a general authorization to charge any required fees to Deposit Account No. 50-1379. A review of USPTO records reveals that Deposit Account No. 50-1379 had sufficient funds to cover a charge of \$1,500.00 on 02 October 2006, the mailing date of the Notification of Missing Requirements. Accordingly, the Notification of Missing Requirements should not have required the submission of additional claims fees.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.


The portion of the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 02 October 2006 which required the submission of additional claims fees is hereby VACATED.

The Notification of Defective Response (Form PCT/DO/EO/916) mailed 13 April 2007 is hereby VACATED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 20 May 2009 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 19 March 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 27 November 2006.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.


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